



Entered Electronically Filed
November 02, 2009

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.

Nevada Bar No. 004417

208 South Jones Boulevard

Las Vegas, Nevada 89107

Telephone: 702 258-8200

Fax: 702 258-8787

The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-3, Mortgage Pass-Through Certificates, Series 2005-3
09-74450 / 1218059141

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Danny D. Simpkins, Jr.

Debtor.

BK-S-09-20846-bam

MS Motion No.

Date:

Time:

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-petition arrearages currently due as follows:

3 Monthly Payments(s) at \$1,933.14 (July 1, 2009 - September 1, 2009)	\$5,799.42
3 Late Charge(s) at \$85.00 (July 1, 2009 - September 1, 2009)	\$255.00
Motion for Relief Filing Fee	\$750.00
Attorneys Fees	\$150.00
Total	\$6,954.42

The total arrearage shall be paid in six monthly installments. Payments one through five (1-5) in the amount of \$1,159.07 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month commencing with the November 20, 2009 payment and continuing throughout and concluding on or before March 20, 2010. The sixth final payment in the amount of \$1,159.07 shall be paid on or before April 20, 2010.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtor at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning with the November 1, 2009, payment, on Secured Creditor's Trust obligation, encumbering the subject Property, generally described as 1549 Silver Falls Ave. , Las Vegas, NV 89123, and legally described as follows:

Lot One Hundred Seventy-six (176) in Block Four (4) of SILVERADO TRAILS- UNIT I, as shown by map thereof on file in Book 72 of Plats, Page 71 in the Office of the County Recorder of Clark County, Nevada

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDE & ASSOCIATES

By

GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
208 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Rick A. Yarnall

By

Rick A. Yarnall
Chapter 13 Trustee
701 Bridger Avenue #820
Las Vegas, NV 89101

Randal R. Leonard

By

Randal R. Leonard
Attorney for Debtors
500 S. Eighth St.
Las Vegas, NV 89101

Nevada Bar No. _____